

Patent  
Attorney Docket: 53951-074

## REMARKS

### Claim Rejections – 35 USC §112

Claim 144 was rejected under as indefinite. Claim 144 is hereby canceled rendering the rejection moot.

### Claim Rejections - 35 USC §102

Claim 156 is rejected as anticipated by Polaschegg (US 5,522,998). The Office identifies the control and regulation component of Polaschegg coupled to pumps and valves, but does not identify any features corresponding to the recitation of claim 156,

an incoming fluid supply mechanism that conveys incoming fluid into said first chamber during a first cycle such that said first chamber is entirely filled with said incoming fluid, thereby displacing said outgoing fluid from said second chamber;

an outgoing fluid supply mechanism that conveys outgoing fluid into said second chamber during a second cycle such that said second chamber is only partly filled with said outgoing fluid, thereby displacing an equal volume of said incoming fluid from said first chamber.

In Polaschegg, the (see col. 6, ll. 50-60, for examples) the balancing chamber is filled “until the displaceable partition wall 32 is pressed against the inner wall 30A of the chamber 30.”

There is no articulation in Polaschegg of the limitation quoted. For at least the above reason, the rejection of claim 156 should be withdrawn.

Patent  
Attorney Docket: 53951-074

Claim 157 was also rejected as anticipated by Polaschegg. As in the previous rejection, the Office Action does not address or mention clear limitations in the claim which are not found in Polaschegg. For example, claim 157 recites,

a fluid bypass configured to allow said incoming fluid to recirculate once a respective one of said first and second chambers is filled, said first cycle being such that said incoming fluid is supplied at such a volume that it completely fills said respective one of said first and second chambers causing it to recirculate, whereby a complete filling of said respective one of said first and second chambers is ensured

For at least the above reasons, Applicants propose that the rejection of claim 157 should be withdrawn.

Claim 158 was also rejected as anticipated by Polaschegg. As in the previous rejection, the Office Action does not address or mention clear limitations in the claim which are not found in Polaschegg. For example, claim 158 recites,

wherein said outgoing fluid supply includes a positive displacement pump that is controlled such that it displaces, during each of said first and second cycles, no more fluid than required to partially fill a respective one of said first and second chambers.

For at least the above reasons, Applicants propose that the rejection of claim 158 should be withdrawn.

Patent  
Attorney Docket: 53951-074

Claim 159 was also rejected as anticipated by Polaschegg. As in the previous rejection, the Office Action does not address or mention clear limitations in the claim which are not found in Polaschegg. For example, claim 159 recites,

said incoming and outgoing fluid supply mechanisms and said positive displacement pump is mechanically synchronized with a mechanical mechanism that controls said valve configuration s.

For at least the above reasons, Applicants propose that the rejection of claim 159 should be withdrawn. Polaschegg shows a controller and does not suggest mechanical synchronization as recited in the claim. Similar limitations are provided in claim 161 which was also rejected for the same reasons and without reference or acknowledgement of the mechanical limitations.

Claim 160 was also rejected as anticipated by Polaschegg. As in the previous rejection, the Office Action does not address or mention clear limitations in the claim which are not found in Polaschegg. For example, claim 160 recites,

a pump mechanism and a fluid bypass configured to allow said incoming fluid to recirculate once a respective one of said first and second chambers is filled, said first cycle being such that said incoming fluid is supplied at such a volume that it completely fills said respective one of said first and second chambers causing it to recirculate, whereby a complete filling of said respective one of said first and second chambers is ensured.

Patent  
Attorney Docket: 53951-074

For at least the above reasons, Applicants propose that the rejection of claim 160 should be withdrawn.

If the Examiner would like to discuss any of the issues in the present amendment or any relating to the application, the Examiner is invited to call Applicant's attorney at 202-778-1118.

Please charge or credit Deposit Account No. 16-2500 for all fees as needed.

Respectfully submitted,

PROSKAUER ROSE, LLP

Dated: 2/28/2005

By: 

Mark A. Catan  
Reg. No. 38,720  
Proskauer Rose, LLP  
1585 Broadway  
New York, NY 10036-8299